

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ERIN NICOLE PETERSON and
JACOB HAMILTON PETERSON, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SCOTT CHAMPINE,

Respondent-Appellant.

UNPUBLISHED

May 22, 2007

No. 273396

Wayne Circuit Court

Family Division

LC No. 04-426836-NA

Before: White, P.J., and Saad and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the children under MCL 712A.19b(3)(c)(i), (g), (h), and (j). We affirm.

Erin and Jacob are respondent's children with Sarah Peterson. Shortly after the children were taken into the court's temporary custody because of neglect, respondent was charged with aggravated stalking of Ms. Peterson and her mother, pleaded guilty, and was sentenced to probation. He subsequently violated the terms of his probation and was sentenced to 40 to 60 months' imprisonment. By the time of the termination trial, respondent had received nine misconduct citations during his incarceration for incidents involving insolence, disobeying orders, threatening behavior, substance abuse, and assault and battery. Evidence at trial showed that respondent had an extensive criminal history.

Although respondent claimed he had completed some components of his court-ordered treatment plan while imprisoned, the caseworker testified that she had not received any documentation to support respondent's claim. Because of his incarceration and his misconduct citations, respondent had been denied visits with the children during the two years they had been in the court's temporary custody. Because respondent had failed to produce documentation showing that he had substantially complied with his treatment plan and could not show that he could care for the children, the trial court did not clearly err in finding termination was appropriate under §§19b(3)(c)(i), (g), and (j). MCR 3.977(G)(3), (J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, although respondent's earliest release date was less than a year following the termination trial, the caseworker testified that, because respondent's criminal record involved aggravated stalking and domestic violence and he failed to complete his

treatment plan while incarcerated, respondent would have to address several treatment plan objectives upon his release before petitioner would even consider unsupervised visits, let alone placement of the children with him. Therefore, the trial court also did not clearly err when it relied upon § 19b(3)(h) in terminating respondent's parental rights. *In re Perry*, 193 Mich App 648, 650; 484 NW2d 768 (1992).

Finally, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not clearly err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Helene N. White
/s/ Henry William Saad
/s/ Christopher M. Murray